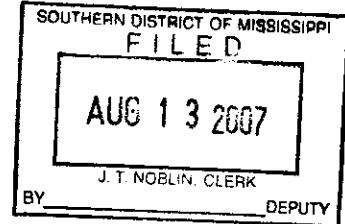


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION



MAGNOLIA MARINE TRANSPORT COMPANY

PLAINTIFF

v.

NO. 5:07CV11 DCB-JMR

BENJAMIN ELDRIDGE

DEFENDANT

DEFAULT JUDGMENT

THIS day this cause came on for an Evidentiary Hearing on Plaintiff's Motion for Default Judgment pursuant to Federal Rule of Civil Procedure. 55(b), and it appearing unto the Court that the Defendant, having been duly served with the Summons and Complaint on February 28, 2007, in the manner and for the time required by law, said process being properly returned and filed herein, has failed to plead or otherwise defend this action and is in default, and said default having been duly entered, the Court is of the opinion and so finds, after considering the pleadings the evidence and the process filed herein, that:

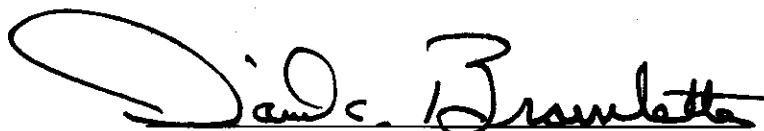
The Court has jurisdiction over the parties and the subject matter of this suit.

The Plaintiff is entitled to a default judgment against the Defendant granting its Declaratory Judgment that Magnolia Marine Transport Company has fully satisfied its maintenance and cure obligations; and that it is not required to provide benefits for Defendant's treatment related to his back; and that the M/V Gene Neal was seaworthy and its appurtenances were in good operating condition on October 17, 2006; and that the Plaintiff was not negligent as the Defendant injured his back when he was lifting a face wire.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Plaintiff, Magnolia Marine Transport Company, be granted judgment on its Complaint for Declaratory Judgment as follows:

1. Magnolia Marine Transport Company has fully satisfied its maintenance and cure obligations; and
2. Magnolia Marine Transport Company is not required to provide benefits for Defendant's treatment to his back; and
3. That the Defendant was not injured due to negligence of the Plaintiff; and
4. That the M/V Gene Neal was seaworthy and its appurtenances were in good operating condition on October 17, 2006.
5. Costs of this proceeding are awarded against Defendant.

SO ORDERED AND ADJUDGED, this the 7th day of August 2007.



Diane Brunette
UNITED STATES DISTRICT JUDGE